

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHINA UNITED LINES, LTD., a China
company,

Plaintiff,

23-cv-10313 (PKC)

-against-

ORDER

AMAZON.COM SERVICES, LLC, a Delaware
limited liability company,

Defendant.

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CASTEL, U.S.D.J.

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte.

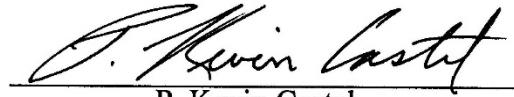
“It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record.” Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc., 87 F.3d 44, 47 (2d Cir. 1996). Where a complaint premised on diversity of citizenship names a limited liability company as a party, the complaint must allege the citizenship of natural persons who are members of the limited liability company as well as the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company.

See Platinum-Montaur Life Sciences, LLC v. Navidea Biopharmaceuticals, Inc., 943 F.3d 613, 615 (2d Cir. 2019); Handelsman v. Bedford Village Assocs. Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000). There is no diversity jurisdiction if each side includes a citizen or subject of a foreign state. See, e.g., Franceskin v. Credit Suisse, 214 F.3d 253, 258 (2d Cir. 2000).

The Complaint brings two breach of contract claims and subject matter jurisdiction is premised solely on diversity of citizenship, 28 U.S.C. § 1332. (Compl't ¶¶ 3, 25-33.) It alleges that plaintiff is organized in China with a principal place of business in China. (Compl't ¶ 1.) It alleges upon information and belief that the defendant LLC is “organized and existing under the laws of the State of Delaware,” with a Delaware business address. (Compl't ¶ 2.) The Complaint does not allege the citizenship of any member of the defendant LLC.

Within fourteen (14) days of this Order, plaintiff China United Lines, Ltd. may serve a single interrogatory upon defendant Amazon.com Services LLC as to the citizenship of all natural persons who are its members, and, if any corporation is a member, the jurisdiction under whose laws it is incorporated and the principal place of business; Amazon.com Services LLC shall serve its response to the interrogatory within fourteen (14) days. Within forty-five (45) days of this Order, China United Lines, Ltd. shall amend its complaint to correct the jurisdictional deficiencies and omissions. If, by this date, China United Lines, Ltd. either fails to amend or is unable to amend to truthfully allege complete diversity of citizenship, then the action will be dismissed for lack of subject matter jurisdiction without further notice to any party.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
November 29, 2023